

CRIMINAL JUSTICE ADMINISTRATION

**Linking
Practice
and
Research**

**edited by
William A. Jones, Jr.**

Criminal Justice Administration: Linking Practice and Research

edited by

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Georgia State University
University Plaza
Atlanta, Georgia

Marcel Dekker, Inc.

New York and Basel

Library of Congress Cataloging in Publication Data
Main entry under title:

Criminal justice administration.

(Annals of public administration, ISSN 0278-4289 ; 5)

Includes bibliographical references and index.

Contents: Political reaction to social science
research in criminal justice / Donald J. Newman and
Pamala L. Griscti — Improving the quality of human
resource decisions in criminal justice agencies /
April M. Holland — Women in criminal justice /
Dorothy H. Bracey — [etc.]

1. Criminal justice, Administration of — United States —
Addresses, essays, lectures. I. Jones, William A.,
- . II. Series.

HV8665.C758 1983 364'.973 82-23561
ISBN 0-8247-1808-9

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MARCEL DEKKER, INC.
270 Madison Avenue, New York, New York 10016

Current printing (last digit):
10 9 8 7 6 5 4 3 2 1

PRINTED IN THE UNITED STATES OF AMERICA

Criminal Justice Administration

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We hope that the *Annals of Public Administration* will fulfill its goal and become a useful tool for the public administration community.

Jack Rabin

PREFACE

The authors who follow provide us with an important collection of articles. The coverage is wide and deep; and their insights are significant. We begin with a broad view of the field, travel into specific areas, and then return to a broad perspective.

Newman and Griset do an excellent job of assessing the role and the impact of the criminal justice literature. Those who labor in the research vineyards no doubt wonder about eventual impacts on the "real world." The authors provide a perceptive analysis of this issue, including a look at reasons behind the acceptance or rejection of social science research.

Each of the articles which follow give us a penetrating analysis of a selected issue. Holland is concerned with the use of assessment centers as a vehicle for improved personnel decisions; her contribution is also a good example of the type of empirical research so needed in the field. Bracey assesses the role and status of women in criminal justice; she does a masterful job of articulating two mutually exclusive views. Duffey takes us in still another direction as he searches for a comparative justice model; his essay underscores the highly culture-bound nature of much of our literature.

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Cordner and Green close our collection with a review essay that returns us to a broader view of the criminal justice literature using eight important books as a base for examining key questions of policy making and administration in criminal justice organizations.

William A. Jones, Jr.

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Criminal Justice Administration

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POLITICAL REACTION TO SOCIAL SCIENCE RESEARCH IN CRIMINAL JUSTICE

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ABSTRACT

A basic question exists as to whether social science research and writing is recognized by criminal justice policymakers—legislatures, appellate courts, and chief executives—and used to change the criminal justice system. Two types of social science literature are identified: empirical research and books or monographs espousing a particular position aimed to effect change at some point in crime control processing. Two major goals of criminal justice research are also identified: research which is essentially descriptive of the way the system works in actual practice and research designed to assess the effectiveness of various alternatives in criminal justice processing. Policy-maker acceptance of criminal justice research and writing is

2 Newman and Griset

mixed, varying from one jurisdiction to the next and varying also according to the problems addressed. Some research and writing has clearly made a difference, as for example, in acceptance of plea bargaining, in modification of jury trial practices, in the move toward determinate sentencing, in the development of sentencing and parole guidelines and in bail and release-on-own-recognizance programs. In other instances, however, criminal justice research and writing has largely been ignored. For instance, most of the research demonstrating inequities in the use of capital punishment and the lack of its deterrent effect has made little difference as increasingly more states enact death penalty provisions. Likewise, accumulated research describing the pervasiveness of police discretion—its purposes, benefits and pitfalls—has been largely ignored by legislatures and courts which continue to support a full enforcement myth. Research demonstrating that imprisonment accomplishes none of the major goals of its proponents has had little effect, for prison construction is now ongoing in most American jurisdictions. Research evidence and writing tends to be accepted when changes suggested comport with constitutional requirements, when the cost of rejecting evidence would be prohibitive, when accepting research evidence is the lesser of two evils, and when the evidence from research is very convincing. On the other hand, research evidence tends to be rejected when it disputes common sense or challenges cherished beliefs, when it runs contrary to law-and-order themes, when it threatens entrenched interests and when the evidence is unconvincing.

CONTEMPORARY SOCIAL SCIENCE RESEARCH AND WRITING

Within the past two decades there has been extensive research on most central issues of criminal justice administration. Indeed, it can safely be claimed that fully 90 percent of all currently used criminal justice literature has been produced in the last twenty years. There was, of course, criminological research for well over

3 Political Reaction

a century but, in the main, this research focused on crime causation and, to some extent, crime measurement. In contrast, the thrust of contemporary criminal justice research is on crime control rather than crime causation.

Central Themes

In general, modern criminal justice research involves two central themes: studies of decision-making at various points in the criminal justice process, largely to understand how the system operates in reality, and studies of the effectiveness of alternative actions at various stages from police investigation of crime to parole revocation. There are, of course, research objectives other than description and effectiveness. Some research focuses on the fairness of system processing, highlighting such issues as racial discrimination and problems of the "balance of advantage" between state and accused, which range from pretrial discovery issues to the availability of appointed counsel for indigent defendants from early police intake to sentencing and beyond. Other research analyzes manpower selection and development, community and organizational change, and problems in staffing and administering criminal justice agencies. Even in these kinds of research, however, description and evaluation are never far from the surface.

Major Types

There are two major types of modern criminal justice literature, each of which is designed not only to understand but to improve crime control processing. One rests on empirical measurements of decisionmaking, sometimes simply to describe how the system works, but at other times intended to evaluate decision choices. The great number of such empirical studies makes it impossible to list all relevant works, but they range from field team descriptions of the major decision points in the entire criminal justice process (as in the American Bar Foundation series of books reporting on crime investigation, arrest, prosecution, adjudication, sentencing and parole) to studies of single decision points such as bail release, sentencing determination or parole revocation. All standard social

science techniques—observation, survey, the massaging of “hard data” from official (and unofficial) records, simulation, demonstration projects, experimental design, historical analysis and case histories—have been used.

During the same two decades other kinds of social science and socio-legal literature, relying less directly on “hard data,” also proliferated. This literature, like empirical research, was intended not only to describe the criminal justice system, but to change it. Included are the various “models” and “standards” for criminal justice administration, such as those produced by the American Law Institute, the American Bar Association, two Presidential Crime Commissions as well as books and monographs which are primarily think-pieces about major issues in criminal justice. These include such works as van den Haag’s *Punishing Criminals* [1], Wilson’s *Thinking About Crime* [2], Fogel’s “. . . We Are the Living Proof. . .” [3], Morris’s *Future of Imprisonment* [4], the Twentieth Century Fund’s *Fair and Certain Punishment* [5], von Hirsch’s *Doing Justice* [6], the American Friends Service Committee’s *Struggle for Justice* [7], and similar works. In common with empirical research, and sometimes in spite of it, think-piece literature is intended to reshape our criminal justice system by influencing public opinion as well as the political processes of legislatures, appellate courts and executive departments which, in combination, are the policy sources which determine the goals and the operational procedures of the criminal justice system in our society.

A major question posed by this research and literature is to what extent data, standards, and conceptual works impact upon crime control in our society. The answer is extremely complex and, for reasons only dimly understood, sometimes the results of research and other writings make a marked difference in influencing parts of the criminal justice system and sometimes not. And, of course, there are few universal trends because the criminal justice system is not an entity but is composed of 51 independent systems (50 states and the federal jurisdiction) and there is considerable variation in the acceptance of research by agencies, legislatures, courts, and chief executives from one state to the next.