JUSTICE ADMINISTRATION
POLICE, COURTS, AND CORRECTIONS MANAGEMENT

Kenneth J. Peak
University of Nevada, Reno

Andrew L. Giacomazza
Boise State University

Pearson 330 Hudson Street, NY NY 10013
Dedication

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

—K. P.

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

—A. G.
THE CRIMINAL

POLICE
ENTRY INTO THE SYSTEM
CRIME
911
REPORTED & OBSERVED CRIME
INVESTIGATION
ARREST
RELEASED WITHOUT PROSECUTION
CHARGES FILED

COURTS
PROSECUTION & PRETRIAL SERVICES
FELONIES
REFUSAL TO INDICT
CHANGE DROPPED OR DISMISSED
REDUCTION OF CHARGE
ARRAIGNMENT
GRAND JURY
INFORMATION

ADJUDICATION
MISDEMEANORS
BAL OR DETENTION HEARING
PRELIMINARY HEARING
INITIAL APPEARANCE
UNCHARGED
DIVERSION BY LAW ENFORCEMENT PROSECUTING OR COURT
OUT OF SYSTEM
CHARGES DISMISSED
CHARGES DISMISSED
ARRAIGNMENT
INFORMATION

ADJUDICATION
MISDEMEANORS
BAL OR DETENTION HEARING
PRELIMINARY HEARING
INITIAL APPEARANCE
UNCHARGED
DIVERSION BY LAW ENFORCEMENT PROSECUTING OR COURT
OUT OF SYSTEM
CHARGES DISMISSED
CHARGES DISMISSED
ARRAIGNMENT
INFORMATION
Brief Contents

PART 1
Justice Administration 1
Chapter 1 The Study and Scope of Justice Administration 2
Chapter 2 Organization and Administration: Principles and Practices 21
Chapter 3 Rights of Criminal Justice Employees 54

PART 2
The Police 83
Chapter 4 Police Organization and Operation 84
Chapter 5 Police Personnel Roles and Functions 108
Chapter 6 Police Issues and Practices 131

PART 3
The Courts 157
Chapter 7 Court Organization and Operation 158
Chapter 8 Court Personnel Roles and Functions 185
Chapter 9 Court Issues and Practices 213

PART 4
Corrections 243
Chapter 10 Corrections Organization and Operation 244
Chapter 11 Corrections Personnel Roles and Functions 282
Chapter 12 Corrections Issues and Practices 309

PART 5
Issues Spanning the Justice System 337
Chapter 13 Ethical Considerations 338
Chapter 14 Special Challenges: Labor Relations, Liability, and Discipline 362
Contents

PREFACE xxi
ABOUT THE AUTHORS xxv

PART 1
Justice Administration 1

Chapter 1 The Study and Scope of Justice Administration 2
Introduction 3
Why Study Justice Administration? 3
Purpose of the Book and Key Terms 3
Organization of the Book 4
A True System of Justice? 5
A Criminal Justice Process? 6
A Criminal Justice Network? 6
A Criminal Justice Non-system? 8
Or, Is It a True Criminal Justice System? 10
From Nonsystem to System: Redefining Performance Measures 10
The Foundations of Justice and Administration: Legal and Historical Bases 11
The Consensus versus Conflict Debate 11
Crime Control through Due Process 12
Public versus Private Sector Administration 13
Planned Change and Policymaking in Justice Administration 14
Planning Interventions 14
Force-Field Analysis 16
Consequences of Not Planning for Change 17
Summary 17 • Key Terms and Concepts 18 • Questions for Review 18 • Deliberate and Decide 18 • Learn by Doing 19 • Case Study 19 • Notes 20

Chapter 2 Organization and Administration: Principles and Practices 21
Introduction 22
Defining Organizations 22
The Evolution of Organizational Theory 23
Scientific Management 23
Human Relations Management 24
Systems Management 25
Bureaucratic Management 25
Organizational Inputs/Outputs 26
Chapter 3

Rights of Criminal Justice Employees 54
Introduction 55
Overview 55
The Employment Relationship 57
Recruitment and Hiring 57
Disparate Treatment 57
How Old Is “Too Old” in Criminal Justice? 59
Criminal Justice and Affirmative Action 59
Property Rights in Employment 60
Pay and Benefits 61
Criminal Justice and a Safe Workplace 62
Constitutional Rights of Criminal Justice Employees 63
Freedom of Speech and Association 63
PART 3
The Courts 157

Chapter 7
Court Organization and Operation 158

Introduction 159

Inside the Courts: Decor, Decorum, Citizens 159
Hallowed Places 159
Justice in the Eye of the Beholder 160
Seeking Truth in an Adversarial Atmosphere 161
A Dual Court System 162

Federal Courts: Organization and Administration 162
The U.S. Supreme Court: Its Jurists, Traditions, and Work 162
U.S. Courts of Appeals 164
U.S. District Courts 166
Judicial Conference of the United States 167
Administrative Office of the U.S. Courts 167

Comparing Federal and State Court Systems 168

State Courts of Last Resort and Appeals 169
Courts of Last Resort 169
Intermediate Courts of Appeals 171

Trial Courts 172
General Jurisdiction: Major Trial Courts 172
Limited Jurisdiction: Lower Courts 173

"Unification," "Consolidation," "Reform": By any Name, a Century's Attempts to Streamline the Courts 175
Courts in Early England: A Desire to Unify 175
Supreme Court Decisions on Federal Sentencing Guidelines 230
Courts’ Media Relations 230
Other Issues and Practices 231
Are “851 Notices” Being Overused and Abused? 231
Time to Rethink Juvenile Waivers? 232
Should the Exclusionary Rule Be Banned? 234
Cameras in the Courtroom 235
Summary 236 • Key Terms and Concepts 236 • Questions for Review 237 • Deliberate and Decide 237 • Learn by Doing 237 • Case Study 238 • Notes 238

PART 4
Corrections 243

Chapter 10
Corrections Organization and Operation 244
Introduction 245
Correctional Organizations 246
Employment and Expenditures 246
Declining Prison Populations: Reasons and Some Caveats 246
General Mission and Features 248
Prisons as Organizations 248
The Central Office 249
Individual Prisons 250
The Controversy of Supermax 254
Definition and Operation 254
Effects on Inmates 255
Constitutionality 256
A Boon to Public Safety? 256
Policy Implications 257
Constitutional Rights of Inmates 257
From Hands Off to Hands On: A Shift in Prisoners’ Rights, Law, and Philosophy 257
A “Slave of the State” 258
Prison Regulations and Laws vis-à-vis Inmates’ Constitutional Rights 258
Legal Remedy and Access to the Courts 258
First Amendment 259
Fourth Amendment 260
Eighth Amendment 260
Fourteenth Amendment 261
Civil Rights of Institutionalized Persons 263
Inmate Litigation 264
Prior to the Twenty-First Century: “Hair-trigger” Suing 264
The Prison Litigation Reform Act 265
Jails as Organizations 266
Podular/Direct Supervision Jails 266
Community Jails 269
A New Supreme Court Decree: Collecting DNA at Point of Arrest 270
Chapter 11  Corrections Personnel Roles and Functions  282

Introduction  283

Prisons  284

The Warden: A Profile  284
Preparing New Wardens for Success  287
Principles of Good Prison Leadership  287
Administering the Death Penalty  289
Achieving Racial Balance  290
Middle Managers and Supervisors  290
"Thy Brother's Keeper": Evolving Roles and Types of COs  291
Managing staff Deviance  292
Staff–Inmate Relationships  293

Jail Personnel  294

Jail Administrators' Functions  294
A Few Comments on "Jail First" Policies and Detention
as a Career Path  295
Employee Training  296

Probation and Parole Officers  298

Duties and Orientation  299
Probation Management Styles  301

Addressing Stress, Burnout, and Attrition  301

Stressful Prisons  302
Stressors in Jails  302
Stress in Probation and Parole  303

Summary  304  •  Key Terms and Concepts  304  •  Questions
for Review  304  •  Deliberate and Decide  305  •  Learn by Doing  305
•  Case Study  306  •  Notes  307

Chapter 12  Corrections Issues and Practices  309

Introduction  310

Issues Concerning Inmate Populations  310

Juvenile Justice: An End to Death and Life without Parole Sentences  310
Sexual and Physical Violence: Facts of Institutional Life  311
The Prison Rape Elimination Act of 2003  312
A Dilemma: Should Inmates Be Issued Condoms?  313
Hostage Taking in Detention Facilities: An Overview  313
Mentally Ill Offenders  316
The Aging of Inmates: Problems and Approaches  318
Inmate Classification: Cornerstone of Security and Treatment  319
Drug Use in Prisons: Interdiction and Treatment  320
Can a "Therapeutic Community" Work?  322
PART 5
Issues Spanning the Justice System 337

Chapter 13 Ethical Considerations 338
Introduction 339
Food for Thought: Six Ethical Dilemmas 339
Ethics, Generally 341
Philosophical Foundations 341
Types of Ethics 341
Noble Cause Corruption 342
Challenges for Administrators, Managers, and Supervisors 343
Ethics in Policing 343
The Root of the Problem: Greed and Temptation 343
A Primer: The Oral Interview 344
Accepted and Deviant Lying 344
"Brady Material" 345
Gratuities: A Model for Gauging Degrees of Corruption 347
Training, Supervision, and Values 348
Ethics in the Courts 349
Evolution of Standards of Conduct 349
The Judge 349
Lawyers for the Defense 351
Prosecutors 352
Other Court Employees 352
Ethics in Corrections 353
Guiding Decision Making 354
Ethics Tests for Justice Professionals 355
Is Workplace Loyalty Always Good? 356
Summary 357 • Key Terms and Concepts 357 • Questions for Review 357 • Deliberate and Decide 358 • Learn by Doing 358 • Case Study 359 • Notes 359

Chapter 14 Special Challenges: Labor Relations, Liability, and Discipline 362
Introduction 363
Collective Bargaining, Generally 363

Contents xvii
Budget Formats 407
  The Line-Item Budget 407
  The Performance Budget 410
  The Program Budget 411
  PPBS and ZBB Formats 413
Summary 416 • Key Terms and Concepts 416 • Questions for Review 416 • Deliberate and Decide 416 • Learn by Doing 417 • Case Study 417 • Notes 418

Chapter 16
Protecting the Homeland: Foremost Challenges for Police Chief Executives 420
Introduction 421
An International Problem 421
Two Faces of U.S. Terrorism: Homegrown and Lone-Wolf Extremists 422
The Ultimate Threat: Weapons of Mass Destruction 424
  Nuclear Weapons 424
  Biological Weapons 425
  Chemical Weapons 425
  Conventional Weapons 425
  Cyberterrorism—and the Asian Threat 425
Law Enforcement Roles and Strategies 426
Other Approaches in the Law Enforcement Toolkit 429
  Legislative Measures 429
  Use of Unmanned Aerial Vehicles: How to Balance Security and Privacy 429
The Role of Local Police 430
  Need for Vigilance 430
  Having Plans in Place 431
  Engaging the Community and Using Social Media 433
Summary 434 • Key Terms and Concepts 434 • Questions for Review 434 • Deliberate and Decide 435 • Learn by Doing 435 • Case Study 435 • Notes 436

Chapter 17
Technologies and Tools: Toward Addressing Crime and Disorder 439
Introduction 440
Police Technologies 440
  Which IT Tools to Use in Policing? Consider the Type of Task Involved 441
  IT for Problem-Oriented Policing: A Conceptual Framework 442
  Crime Mapping 442
  Real-Time Crime Centers 443
  Applying Social Media 444
  Civic Apps for Crime-Fighting 445
  Some Caveats: Legal, Moral, Practical Considerations 445
  Selected Technologies and Policies to Watch For 447
  Uses of Robots 447
  Solving Cold Cases 448
Court Technologies 448
  Why Go Paperless? Save Paper, Space, and Time 448
Preface

▶ New to This Edition

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

Chapter 1: Redefining performance measures in the criminal justice system; expanded material on strategic planning; consequences for not planning for change

Chapter 2: Closed versus open systems; external communications: use of social media; situational leadership theory; Ouchi’s Theory Z; motivation through job enrichment; expanded discussion of Generation Y in the workforce

Chapter 3: Updates on federal laws, generally; Lilly Ledbetter Fair Pay Act; impact of Affordable Care Act; dress codes, tattoos, and Millennials (material concerning uniforms moved here from Chapter 6)

Chapter 4: New materials on procedural justice; a new professionalism; constitutional policing and legitimacy; responding to mass demonstrations; achieving harmony; CompStat

Chapter 5: Preparing for a chief executive career; profile of today’s police chief; navigating the political arena; chiefs under fire and being fired; a chief’s apology to minorities; debating the “Ferguson effect” (also, material concerning diversity and sexual harassment has been moved here from Chapter 6)

Chapter 6: Police shootings—need for a national database, posting related information, demand for and pros/cons of body cameras, and de-escalating crises; dealing with officers’ PTSD; civilian review boards; use of consent decrees; hazards confronting officers and developing a formal, agency-wide wellness program (previous edition’s terrorism material is now moved to new Chapter 17)

Chapter 7: Comparing federal and state court systems; expanded material on court unification

Chapter 8: Expanded section on methods of judicial selection; what makes for good judging; expanded material on court clerks and evaluating court administrators

Chapter 9: Updated research on the CSI effect and courthouse violence; new material on mental health courts; expanded information on alternative dispute resolution; use of reverse waiver

Chapter 10: Updated new trends in California’s decarceration effort; the controversy of the supermax; updated cases in “Constitutional Rights of Inmates”; community jails
Introduction

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

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

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

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

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

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

Instructor Supplements

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

TestGen. This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen’s random generator provides the option to display different text or calculated number values each time questions are used.

PowerPoint Presentations. Our presentations are clear and straightforward. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.

To access supplementary materials online, instructors need to request an instructor access code. Go to www.pearsonhighered.com/irc, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming e-mail, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Alternate Versions

eBooks. This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook,
students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit www.mypearsonstore.com.

Acknowledgments

This edition, like its eight predecessors, is the result of the professional assistance of several people. First, it continues to benefit by the guidance of the staff at Pearson Education. This effort involved: Gary Bauer, Product Manager; Gowthaman Sadhanandham, Project Manager; and Rinki Kaur, Program Manager. Copyediting was masterfully accomplished by Pradheepa Balasubramanian. We also wish to acknowledge the invaluable assistance of the following reviewers: Karen Murray, Southern Regional Technical College; Donald Ricker, Southwestern Michigan College; and Billy Wilson, Campbellsville University. Their careful reading and input made to a much more informed and overall improved ninth edition.
Kenneth J. Peak is Professor Emeritus and former chairman of the Department of Criminal Justice, University of Nevada, Reno, where he was named “Teacher of the Year” by the university’s Honor Society (and served a stint as Director of Police Services). After serving for several years as a municipal police officer in Kansas, Ken subsequently held positions as a nine-county criminal justice planner for southeast Kansas, Director of a four-state Technical Assistance Institute for the Law Enforcement Assistance Administration, Director of University Police at Pittsburg State University, and Assistant Professor of Criminal Justice at Wichita State University. He has authored or coauthored 38 textbooks and 2 historical books (on Kansas bootlegging and temperance). His other books include *Policing America: Methods, Issues, Challenges*, 9th ed.; *Community Policing and Problem Solving: Strategies and Practices*, 7th ed. (with R. W. Glensor); *Managing and Leading Today’s Police: Challenges, Best Practices, & Case Studies*, 4th ed. (with L. K. Gaines and R. W. Glensor); and *Women in Law Enforcement Careers* (with V. B. Lord). He also has published more than 60 monographs, journal articles, and invited chapters on a variety of policing topics. Ken has held several national and regional criminal justice offices and continues to be very active in academia. He holds a doctorate from the University of Kansas and received two gubernatorial appointments to statewide criminal justice committees while residing in Kansas.

Andrew L. Giacomazzi is Associate Dean in the School of Public Service and Professor of Criminal Justice at Boise State University. Prior to assuming that role, Andy was the chair of the Department of Criminal Justice. He worked extensively with the Western Regional Institute of Community Oriented Public Safety to conduct assessments of police departments and sheriff’s offices in the western United States, and also worked at the Spokane Police Department in leadership development. Andy received his bachelor’s degrees in Social Ecology and German from UC Irvine, and his master’s and Ph.D. (Criminal Justice and Political Science, respectively) from Washington State University. He is coauthor of *Community Policing in a Community Era: An Introduction and Exploration* and is coeditor of a book entitled *Controversial Issues in Policing*. He has more than 65 other publications including refereed journal articles, book chapters, and technical reports. His research interests include community policing, organizational change, family violence, and juvenile intervention programs. In May 2015, Andy was named Faculty Member of the Year by the Residential Housing Association at Boise State, and in 2016 won Boise State’s Golden Apple Award for excellence in teaching. Andy lives on the Boise State University campus, serving in the capacity of Faculty Member in Residence in the Leadership & Engagement Living-Learning Community.